

## **PROPOSED CHIATE/WILDMAN EASEMENT EXCHANGE**

### **Selected Comments Received at March 5, 1996 Public Meeting**

#### **Chiate/Wildman Issues**

Prior to building on the C/W property, there was a trail across the property to beach that was used constantly. After the area was developed, the Winding Way people were cut off from the beach.

The buyer of the C/W property knew that there was an easement across the property at the time of purchase, and the property's price was significantly lower because of the easement.

Money and power should not enable people to buy their way out of an easement.

Allowing the C/W property owner to buy off the easement will set a precedent.

#### **Access Advantages/Disadvantages of Alternatives**

The C/W easement is the only easement to a beach which is fully developed with states; no other easement in that area will ever become available again.

The C/W easement is adjacent to the Winding Way trail and parking lot, allowing more public use and offering a shared mountain/beach experience.

The C/W easement could easily be developed and would become the principal route to Escondido Beach.

The proposed easement would not provide better access to Escondido Beach; a portion of the beach route is only passable at low tide.

The beach that would be accessible from the proposed easement is privately owned to the mean high tide line, so public access could only occur at low tide. Developing the easement, therefore, would be a waste of money.

Neither accessway should be opened.

The handicapped would not be able to use either accessway.

The money set aside for development of the C/W easement should be used for repair of Malibu Pier.

The State should work to enhance existing accessways.

The beach that would be opened to the public as a result of the proposed easement should be used for teaching.

#### **Environmental Concerns**

The area that would be affected by the proposed easement offers one of the last spoiled beach habitats in the region. Few tidepools exist any more in the area. As soon as access to tidepools is made available to the general public, the tidepools disappear. Even a small field of trips are disallowed in the area because of possible damage to tidepool habitat; much more damage would result from general public access.

Certifying the LUP involved a long process and lots of testimony regarding the need to preserve the tidepools that would be damaged as a result of the proposed easement. The area

that would become opened to the public has been designated for preservation and seasonal closing.

Users of the proposed easement would have to traverse a seasonal creek, further damaging the environment.

#### Safety/Security/Liability Concerns

The inland entrance to the proposed easement is along a very dangerous stretch of PCH. Beach parkers are notorious for being unaware and careless. The parking for the proposed easement would not be limited to 12 spaces, because visitors would also park along PCH and side streets.

Safety concerns would mandate an overpass and/or traffic light to accommodate pedestrian traffic from the multiple family dwellings across the highway.

The proposed easement will involve significant liability costs and risks, both for the State and for private property owners.

Developing the proposed easement would increase residents' security risk.

Developing the proposed easement would decrease residents' property values.

Developing the proposed easement would bring in transients and the homeless.

The proposed easement would be a fire hazard because of smokers on the trail.

Currently, there is only one ranger to patrol the many parks in the area.

The Paradise Cove beach has been rated F in water quality and is a dangerous place to swim.

Parks do not make good neighbors.

#### Alternate/Future Access to Paradise Cove & Vicinity

The proposed easement would provide access to an area for which there already is access and parking. In addition, Paradise Cove has a lifeguard and a restaurant.

Future development of Paradise Cove is likely, and when that happens more appropriate easements can be obtained.

The proposed easement is simply a ploy to build, eventually, a hotel in the immediate area.

#### Legal Issues

The proposed easement would be in direct violation of the current Malibu/Santa Monica Mountains Land Use Plan.

It may not be legal to change the use of the funds currently designated for the development of the C/W easement.

Litigation costs should be taken into account when considering the economics of the proposed easement exchange.